

CHILD CARE LICENSING ADVISORY COMMITTEE

Cannon Health Building, Room 125

9:00 a.m., May 13, 1999

Members Present: Paula McGibbon; Dianna Farr; Erin Bitterolf; Tracy Halverson; Sarah Croskell; Marilyn Macumber; and Joyce Hastings.

Members Absent: Chris Bray and Ursula Trueman.

Staff: Debra Wynkoop-Green; Bonnie Bigler; Joel Hoffman; David Eagar; Pennie Knudson; Colleen Fitzgerald.

The meeting was called to order at 9:07 a.m.

1. Welcome and Introduction

Ms. McGibbon welcomed all in attendance.

2. March 22, 1999 Minutes

Ms. Macumber moved to accept the minutes of the March 22, 1999 meeting.

Ms. Hastings seconded the motion. The **MOTION PASSED** unanimously.

3. Licensure Sanctions/Actions

Mr. Eagar reported on the licensure sanctions/actions taken for the central region.

Ms. Knudson reported on licensure sanction/actions taken for the northern region.

Mr. Hoffman reported on licensure sanction/actions taken for the southern region.

4. Child Care Certificates

Ms. Wynkoop-Green reported that May 7, 1999, was the annual National Provider Appreciation day. She stated that 1053 certificates were sent out from the Bureau to recognize the providers. The following is the criteria needed in order to receive a certificate: the provider must be licensed for at least one year; not be issued a conditional license in 1998; not receive a Class I deficiency; no substantiated complaints; less than five deficiencies-for family/family group providers; less than 10 deficiencies-for center providers and all deficiencies corrected in the time frames they submitted.

Ms. Halverson reported on what the PFCCA sent to the providers for Provider Appreciation Day. She stated there were wonderful recognition events in different cities,

and she would like to see all providers recognized next year. Ms. Bitterolf passed around newspaper articles written about childcare appreciation day and the proclamation form signed in Cedar City.

Ms. McGibbon inquired if a sub-committee should be formed to coordinate the different agencies' efforts for next year's provider appreciation day? Ms. Halverson responded saying that the Department of Work Force Services (DWS) received a grant and part of the monies are going to go for continuing recognition of providers.

Ms. Wynkoop-Green stated that the grant is operated out of the DWS. Specific language of what monies can be used for is in the grant. They have modified the language of the grant and therefore some funds will go to promote the provider awareness celebration. There is also a commitment to do inter-agency coordination between the State Office of Education, DWS, Cash-out program, the Office of Child Care, and the Bureau of Licensing.

Ms. Halverson reported that the children's parents at her center participated in provider appreciation day. She stated that her teachers were on a high all day from the recognition from the parents.

5. Recruitment of new CCLAC Members

Ms. Wynkoop-Green stated that the CCLAC board will be increased by four more members. Ms. Bray, Ms. Bitterolf and Ms. Halverson's terms expire on June 30, 1999. Recruitment for four vacancies for childcare center representatives, one vacancy for a consumer, and one vacancy for residential certificate provider will begin.

Ms. McGibbon inquired when a person's term expires, can they go for another term if they are nominated? Ms. Wynkoop-Green responded that they could. Ms. Wynkoop-Green stated that forms have been sent out for nominations to interested parties.

6. Issue Paper Director Pools

Ms. Wynkoop-Green stated the childcare center rules require the director be listed on the license. A variance request is being considered from a provider who wants a pool of directors listed on the license instead of just having one director for each center. The provider would like seven people listed and be able to have any of them act as director and rotate between centers vs. having an identified person for each center.

Ms. McGibbon inquired if the pool of directors have "director" qualifications? Ms. Wynkoop-Green responded that the people the provider wants listed weren't on the license at the time when the directors were being grandfathered in. The provider stated she was unaware the other directors were required to be listed on the license in order to be grandfathered in and had she known, they could have been listed on the license.

Dr. Croskell inquired if the people were working as directors a year and a half ago? Mr. Springmeyer responded that it hasn't been looked into that far and we are waiting to obtain the list. He requested, for the discussion, the committee assume that they did.

Mr. Springmeyer reported that in other states, there is a requirement for the director to be at the facility 60 percent of the time. However, there isn't such a requirement in Utah's

rules. Ms. Hastings stated that the time requirement for a director to be at a center was taken out of the rules because of specific situations such as this one. Mr. Springmeyer suggested continuing this discussion after the recruitment of the new committee members is completed. The committee agreed to discuss this further in the next meeting.

7. Issue Paper – Exempting Hourly Providers (Fred Meyers & Bowling Leagues)

Ms. Wynkoop-Green reported that the Bureau has been requested by Utah State Bowling Proprietors Association, that their “play rooms” be exempt from licensing in bowling alleys.

Ms. Macumber inquired what the difference is between childcare at bowling alleys and at a gym? Ms. Wynkoop-Green stated that often the children’s parents might be in the swimming pool and would have to be paged, and change their clothes in order to get to the child and the facility is compensated for providing childcare. At the bowling alley, they are not providing any food, or snacks. They monitor a playroom setting and the bowlers don’t pay any fees. If a child needs to be toileted, the parent is paged to attend to their child.

Ms. Halverson stated that at some bowling alleys there is no supervision in the playrooms. Ms. Wynkoop-Green responded that if we don’t work with them, they could call it a playroom and it would not have to be licensed. Mr. Springmeyer checked with other states and there is a clear pattern of exempting childcare when it isn’t work related. If the childcare is provided for a non-work, recreational activity there appears to be a clear pattern of exempting the provider.

Ms. Wynkoop-Green stated there are a lot of playroom settings. At malls, stores, Ultimate Electronics, but Fred Meyers, because of liability, only allows parents to leave their child for one hour. They do not take anyone to the bathroom, there is no food allowed, and they have a person there to supervise.

Ms. Wynkoop-Green stated bowling alleys are not providing childcare, they are only supervising. If we don’t work with the bowling alleys, they could make it so none of their employees work in the playroom and they wouldn’t have to be licensed. The children could then be in the playroom without supervision. Another thing they could do is give the room to the leagues and the league could hire someone or the parents could co-op and take turns watching the children. Dr. Croskell stated the children aren’t safe in either setting. Ms. Wynkoop-Green responded that the regulation needs to be balanced. The liability is tough, and they are trying to provide a service to the customers and having someone supervise an area seems to be smarter than having them turn it into a playroom, unsupervised.

Mr. Springmeyer stated from an economic standpoint, bowling alleys cannot afford to adopt our ratios and standards and the services would disappear.

Ms. Wynkoop-Green stated that the child is at the bowling alley about once a week or, for two hours or one hour at Fred Meyers. She suggested the committee consider exempting them if they take children four years and older, or between ages four and nine. Dr. Croskell suggested meeting the bowling alleys half way and exempt them from the

ratios, have a supervisor that has some contact with who's "supervising" the children and require them to meet the other rules.

Ms. Macumber inquired if we are looking to write new rules for the hourly centers? Mr. Springmeyer indicated that we were. Ms. Croskell suggested that we keep the rules and have them request a variance for the ratios. Ms. Wynkoop-Green stated that the Bureau could offer a variance to the association. Ms. Wynkoop-Green will draft a response to the association's letter, based on this discussion, stating we would exempt them on certain items by issuing a variance upon request.

Dr. Croskell inquired if Fred Meyers is exempted in other states? Ms. Wynkoop-Green stated according to Mr. Bob Batch, Operations Support Director in Oregon, they have never heard of needing a license.

8. Proposed Rule Changes

Mr. Springmeyer and Ms. Wynkoop-Green went before the Administrative Rules Hearing on Tuesday. A letter itemizing nine rules was presented to the committee by the UPCCA and Tilley Time that the association felt were superfluous, redundant, unrealistic and repetitive. An example of the rules was that Tilley Time filed a challenge to the statement of findings the Bureau issued regarding not maintaining records on-site. When the licensors went to her facility to examine the records, the records were unavailable and she received four deficiencies. Upon Mr. Springmeyer's review, the rule was ambiguous with regard to if "on site" is equivalent to "easily accessible." Particularly in rule section we state specifically "on site" only to a small sub-set of the records. The four deficiencies have been rescinded and are now being retroactively rescinded for all like deficiencies issued to similarly cited providers.

Ms. McGibbon asked why their records are not located onsite? Mr. Springmeyer responded saying they are centrally stored. In the future, licensors will inquire where the records are and go to the central location to examine them until the rules are amended.

Another rule that was criticized was that parents are required to be given a two week notice regarding fee increases. The UPCCA stated that it is micro-management of businesses. Three of the legislatures agreed and two disagreed. The Speaker of the House offered to solve any problem that the agency isn't capable of solving on behalf of UPCCA. The Administrative Rules Committee has requested UPCCA to come back if the agency doesn't give them satisfaction. Senator Nielson offered the help of the Health Policy Commission as another avenue to examine rules and whether they are being applied appropriately.

As a result, Mr. Springmeyer would like the committee to assign a workgroup to examine childcare center and family childcare rules to evaluate whether the rules are superfluous, redundant or unrealistic and to determine if the rules are directly contributing to the health and safety of children. Mr. Springmeyer and Ms. Wynkoop-Green stated that the licensors will go through the same process to evaluate the rules.

Mr. Springmeyer reported that he has reviewed the rules from Oregon and really liked the approach of organization and wording. The Oregon rules are simpler to read and Utah might want to adopt them as a model for our rules.

Ms. Wynkoop-Green reported that any suggested rule changes be given to the following contacts: R430-100 by central region – David Eagar; R430-90 by northern region – Pennie Knudson; and R430-60 and R430-50 by southern region – Joel Hoffman.

Mr. Springmeyer reviewed the proposed rule changes to implement SB167 with the committee. Mr. Springmeyer requested the committee approve the changes. Dr. Croskell moved to approve the proposed changes. Ms. McGibbon and Ms. Farr seconded the motion. The **MOTION PASSED** unanimously.

9. **Other Items**

Cash Out Problems – Ms. Bitterolf stated she receives many calls regarding problems with the Department of Workforce Services cash program. She passed out a copy of a letter she received from a provider stating her concerns regarding cash out problems, to the members. Ms. Corkins, City/County Health Department, reported that Mr. Robert Grovers, in Workforce Services should receive these types of complaints.

Mr. Springmeyer stated that centers have claimed that a large number of children are “disappearing” from the system. Ms. Corkins then reported that 954 children exited out of childcare centers. Ms. Wynkoop-Green stated that number is reflective of the loss of the Title XX kids. Ms. Frey, State Office of Education, stated they have statistics and have found a reduction in licensed providers, but an increase of exempt providers who provide relative care.

Ms. Gallagos, Children First, inquired if there will be new provider training once the rules are finalized? She asked if a provider’s children were not in care during a certain time period, can that slot be filled with another child? Ms. Wynkoop-Green responded first, there will be training and second, the slots issue will be considered on a case by case basis. The biggest difference for family providers is that we had been counting children under age six and it has been changed to children under age four for ratios.

Dr. Croskell motioned to adjourn the meeting. Ms. Halverson seconded the motion. The **MOTION PASSED** unanimously.

The meeting in July was cancelled. The next meeting will be September 16, 1999 at 9:00 a.m. in conference room 101 of the Cannon Health Building. Please call Bonnie Bigler at (801) 538-9084 and let her know if you are unable to attend.

The meeting adjourned at 11:05 p.m.